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and Tanana Chiefs Conference*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

Alatna Village COUNCIL, *et al.*,

Plaintiffs,

v.

Case No. 3:20-cv-00253-SLG

CHAD PADGETT, in his official capacity,
et al.,

Defendants,

and

AMBLER METALS, LLC, *et al.*,

Intervenor-Defendants.

**PLAINTIFFS' AND DEFENDANTS' JOINT MOTION FOR
EXPEDITED CONSIDERATION**

DECISION NEEDED BY: SEPTEMBER 29, 2021

PLAINTIFFS' AND DEFENDANTS' JOINT MOTION FOR EXPEDITED
CONSIDERATION

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Pursuant to Local Civil Rule 7.3(a), Plaintiffs and Defendants hereby jointly move for expedited consideration of Plaintiffs' motion for an extension of time to file their opening brief, which is being filed concurrently herewith. A decision is needed by **no later than September 29, 2021.**

Plaintiffs' need for an extension of time has arisen as a result of Defendants filing of a motion for a stay of all proceedings today (ECF 83). Expedited consideration is appropriate because Plaintiffs' deadline for filing their opening brief is tomorrow, September 29, 2021 (ECF 81). Plaintiffs did not initiate the motion for a stay, and they would be prejudiced by being compelled to file their opening brief before this Court decides whether to grant the stay. *See* Decl. Counsel ¶¶ 6-12, submitted herewith.

Plaintiffs only learned of Defendants' intention to file a motion for a stay a few days ago, on Friday, September 24, 2021, during a teleconference that took place at approximately 1:30 p.m. *See id.* ¶ 6. Counsel for Plaintiffs and Defendants met and conferred about the proposed motion via teleconference and email on Friday afternoon, Monday, and today. *See id.* ¶ 8.

If the stay is granted, the entire briefing schedule would be postponed and a new briefing schedule would be established sometime after November 29, 2021. Defendants' and Intervenor's briefs would not be filed until well into 2022. Having access to Plaintiffs' opening brief so far ahead of time would give Defendants and Intervenor's an unfair litigation advantage. *See id.* ¶ 11. It would also make it impossible for Plaintiffs

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to address or reflect in their opening brief any circumstances that might arise or change in the intervening time period. *See id.* ¶ 12. By contrast, a short extension of the deadline for filing Plaintiffs’ opening brief until after the Court rules on Defendants’ motion for a stay will not prejudice Defendants or Intervenors.

The parties have conferred via email concerning Defendants’ motion for a stay. *See id.* ¶ 13. During these communications, Intervenor Ambler Metals objected to the final paragraph of Defendants’ motion, which proposes that, in the event of a denial of the stay motion, the parties will submit a revised proposal for a briefing schedule within five federal business days after the Court’s decision. *See id.* Intervenor AIDEA similarly indicated they do not consent to this language. *See id.* Intervenors NANA and the State of Alaska have not expressed any opinion about this language. *See id.*

In accordance with Local Civil Rule 7.3(a), Plaintiffs will immediately serve this motion on the other parties through the Court’s CM/ECF electronic filing system, and they will immediately advise the Clerk’s Office of this motion as provided in the CM/ECF Electronic Filing Procedures Guide. *See id.* ¶¶ 14-15.

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DATED: September 28, 2021

Respectfully submitted,

/s/ Teresa B. Clemmer

Teresa B. Clemmer
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CERTIFICATE OF SERVICE

I hereby certify that, on September 28, 2021, I caused copies of the following:

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DECLARATION OF COUNSEL

[PROPOSED] ORDER

to be filed with the Court and served by electronic means on all counsel of record through
the Court's CM/ECF system.

/s/ Teresa B. Clemmer
Teresa B. Clemmer

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